

### **REMARKS**

In the Office Action, the Examiner rejected claims 1-15, 17-48, 50-98, and 110-121. Applicants canceled claims 16, 49, and 99-109 in a previous communication. By the present Response, Applicants cancel claims 8, 10, 31, 39, 40, 48, 72-74, 87, and 88 without prejudice. However, for the reasons set forth below, Applicants respectfully submit that the remaining pending claims 1-7, 9, 11-15, 17-30, 32-38, 41-47, 50-71, 75-86, 88-98, and 110-121 are allowable in their present form. Applicants respectfully request reconsideration of the above-referenced application in view of the following remarks.

### **Examiner Interview**

Applicants thank Examiners Sorrell and Huynh for their participation in telephonic interviews with Tait Swanson and the undersigned representative on August 7, 2006. In these interviews, the claims of the present patent application, Applicants' Rule 131 declarations, and the evidence (i.e., exhibits) provided in support of the declarations were discussed. While the Examiners agreed that the declarations and the supporting exhibits were sufficient to establish prior invention by Applicants of the claimed subject matter of independent claims 1, 33, 51, and 79, the Examiners suggested that it was unclear as to which of the dependent claims were supported by the declarations and exhibits. Consequently, in the interest of advancing prosecution of this patent application and further clarifying the pertinence of the exhibits in relation to the subject matter recited in the dependent claims, Applicants provide the following remarks.

### **Rejections under 35 U.S.C. § 103**

In the Office Action, the Examiner rejected claims 1-15, 17-48, 50-98, and 110-121 under 35 U.S.C. § 103(a) as unpatentable over Reichmeyer et al. (U.S. Patent No. 6,286,038) in view of Hamner et al. (U.S. Patent No. 6,076,106), Watanabe (U.S. Patent Publication No. 2002/0062364) and, in the case of some of the dependent claims, various additional references. Applicants respectfully traverse these rejections.

***Legal Precedent***

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

***Removal of the Watanabe Reference Pursuant to 37 C.F.R. § 1.131***

Applicants respectfully note that each of the rejections in the Office Action relies on the Watanabe reference. While Applicants do not necessarily agree with the present rejections, in view of the earlier date of invention by Applicants of the subject matter disclosed and claimed in the present application, Applicants previously elected to remove the Watanabe reference pursuant to 37 C.F.R. § 1.131. *See* Response to Office Action filed April 25, 2006, pages 21-22; Declarations under 37 C.F.R. § 1.131 filed April 25, 2006; Exhibits A-C filed April 25, 2006.

In the Office Action, with respect to Applicants' Rule 131 declarations and exhibits, the Examiner noted "the declarations and accompanying exhibits show the basic concepts of the invention." *See* Office Action mailed July 11, 2006, page 27. Further, in the interviews summarized above, the Examiner and his supervisor acknowledged that the declarations and evidence were sufficient as to the independent claims, and that these claims should not have been included in the rejections of the dependent claims. However, in the Office Action, the Examiner suggested that the submitted evidence does not explicitly show the "entire" claimed invention, i.e., the subject matter of each and

every dependent claim, and encouraged Applicants to review these claims and identify relevant portions of the supporting exhibits. *See id.*

In the interest of advancing prosecution, Applicants have reviewed the claims and the supporting exhibits. For the Examiner's convenience, and in order to clarify and more particularly point out portions of the exhibits that support the claimed recitations, Applicants have enclosed annotated copies of Exhibits B and C. Particularly, reference numerals have been added to these exhibits to facilitate further discussion of the claims and exhibits. Further, while the following discussion does correlate specific portions of the exhibits to particular claims, it will be appreciated that the following discussion is not intended to be an exhaustive list of all possible correlations between the claims and the exhibits. Additionally, should the Examiner have any questions regarding such correlations, Applicants invite the Examiner to contact the undersigned representative to discuss the claims and exhibits in even greater detail.

In the Office Action, the Examiner specifically addressed only dependent claims 6 and 11-15. With respect to dependent claim 6, the Examiner noted that it was unclear as to where in the exhibits the recitation of "verifying a desired characteristic of the computing device" is demonstrated. Applicants respectfully point the Examiner to reference numerals 4 and 5 of the exhibits, which at least indicate verification of the make and model of numerous computing devices (e.g., "TaskSmart N2400," "TaskSmart C600," and so forth). Regarding claims 11-15, Applicants also respectfully note that the portions of the exhibits corresponding to reference numerals 4 and 5 at least establish discovery of desired device characteristics, including those explicitly numerated in the instant claims. For instance, these portions of the exhibits provide for, among other things, discovering TaskSmart (a trademarked name directly identifiable with the manufacturer) servers and model numbers. Accordingly, Applicants respectfully submit that the prior invention of the features recited by claims 6 and 11-15 is, in fact, supported by the Rule 131 declarations and supporting exhibits.

While the Examiner did not explicitly address the remaining dependent claims, Applicants will presently endeavor to correlate these remaining claims with specific portions of the exhibits for the convenience of the Examiner and in a good faith attempt to advance the present case to issuance. First, prior invention of the subject matter of dependent claims 2-5 and 34-36 is supported by the portions of the exhibits corresponding to reference numerals 1 and 4. Prior invention of the subject matter of dependent claims 7, 71, and 86 is supported by the portion of the exhibits labeled with reference numeral 6. Further, earlier invention of the subject matter recited in claims 9 and 38 is supported by portions 4 and 5 of the exhibits. Still further, with respect to the subject matter of claims 17, 18, 50, 69, 90, and 110-121, such subject matter is demonstrated in those portions of exhibits denoted by reference numerals 2 and 5. Further yet, prior invention of the subject matter of claims 19-30 and 43-47 is illustrated in the portions of the exhibits labeled with reference numerals 3 and 5.

Additionally, prior invention of the subject matter of claim 32 is established by portions 1-3 of the exhibits. Similarly, the prior invention of the subject matter of claims 37, 41, and 42 is illustrated in those portions of the exhibits corresponding to reference numerals 4 and 5. The portions of the exhibits annotated with reference numerals 1, 5, and 7 support Applicants' prior invention of the subject matter of claims 52, 59-68, 70, 83-85, 89, and 91-92. Likewise, the portions of the exhibits annotated with reference numerals 5 and 8 support the prior invention of the subject matter of claims 53-58, 80-82, and 95-98. Finally, prior invention of the subject matter of dependent claims 75-78, 93, and 94 is supported by the portions of the exhibits labeled with reference numerals 3, 5, and 7.

Accordingly, in view of the actual reduction to practice by Applicants of the pending claims prior to the effective date of the Watanabe reference, as evidenced in the Rule 131 declarations and those portions of the exhibits indicated above, Applicants respectfully request that the Examiner remove the Watanabe reference from consideration

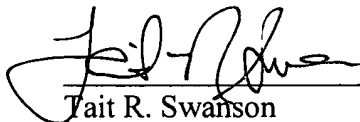
and withdraw all outstanding rejections based on this cited reference. Upon removal of the Watanabe reference, Applicants stress that pending claims 1-7, 9, 11-15, 17-30, 32-38, 41-47, 50-71, 75-86, 88-98, and 110-121 should be in condition for allowance.

**Conclusion**

In view of the remarks set forth above and the evidence submitted herewith, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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